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August 8, 2005

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE NOTICE OF PROJECT CHANGE

PROJECT NAME	: Cape Wind Project
PROJECT MUNICIPALITY	: Barnstable, Yarmouth, and Federal Waters of Nantucket Sound
PROJECT WATERSHED	: Cape & Islands
EOEA NUMBER	: 12643
PROJECT PROPONENT	: Cape Wind Associates LLC
DATE NOTICED IN MONITOR	: July 9, 2005

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **continues to require** the preparation of an Environmental Impact Report (EIR). I am also **requiring amendments** to the existing scope for the Final EIR to address the substantive issues presented in the Notice of Project Change.

As described in the Draft EIR, the proposed project involves the development of 130 wind turbine generators (WTGs) on a grid over approximately 24 square miles of sub-tidal area in Nantucket Sound known as Horseshoe Shoals. The project will generate up to 454 megawatts (MW) of electricity. Due to the low capacity factor for wind energy projects, the average generation is expected to be approximately 170 MW of electricity. As currently proposed, each WTG will be 263 feet above mean sea level, with a total height up to 423 feet above mean sea level when rotor systems reach maximum height. The wind-generated electricity from each of the turbines will be transmitted via a 33 kilovolt (kV) submarine transmission cable to the Electric Service Platform (ESP) located within the WTG array. The ESP will transform energy received from the WTGs and transmit electric power to the mainland via two 115kV alternating current (AC) submarine cable circuits. The submarine cable systems will make landfall in the Town of



Yarmouth. The on-shore underground cables and portions of the submarine cables are located within Massachusetts or in the waters of the Commonwealth.

The current NPC involves the relocation of turbines from state waters to federal water due to changes in the state territorial 3-mile limit as determined by the Minerals Management Service (MMS). As noted in the Certificate on the Draft EIR, MMS recently changed the Submerged Lands Act boundary of Nantucket Sound, thereby expanding Massachusetts' territorial waters seaward. This shift caused ten of the proposed WTGs to lie within newly delineated state waters. Pursuant to the Draft EIR Certificate, the proponent was required to file an NPC describing a modification to the proposed WTG array that complies with the Commonwealth's Ocean Sanctuaries Act (OSA), M.G.L. c. 132A, s. 15. The OSA generally prohibits the "construction or operation of offshore floating or electric generating stations" within the Cape and Islands Ocean Sanctuary (CIOS).

The NPC additionally describes the relocation of another 20 turbines for reasons unrelated to the boundary change. The NPC states that these changes seek to avoid impacts to underwater archaeological resources, and to minimize impacts to fishing gear by relocating turbines to shallower water along the northwestern portion of Horseshoe Shoal.

The boundary change results in the new inclusion of approximately one linear mile of undersea cable within Massachusetts' territorial waters. The length and location of the cable have not changed from that presented in the combined state and federal Draft EIR/ Environmental Impact Statement (EIS), but they now fall under state and MEPA jurisdiction.

The project originally underwent MEPA review in November 2001. The proponent voluntarily filed (within the meaning of Section 11.05 (8) of the MEPA regulations) an Environmental Notification Form (ENF) to allow MEPA review of the entire project and committed to both harmonizing the timetables and filing one set of documents that fulfill the state and federal environmental reviews. These commitments ensure that the impacts of the project will receive full disclosure in the state, federal and regional review processes, and they ultimately will facilitate the federal consistency review. The Massachusetts Coastal Zone Management (CZM) as part of its federal consistency review authority must find that any federal permit is consistent with the state's enforceable coastal zone policies, based on the project's potential impact to state resources or uses within the coastal zone. My predecessor required the preparation on an EIR in a Certificate on the ENF dated April 22, 2002.

In November 2004 the proponent submitted a combined state and federal Draft EIR/EIS. After careful review of the Draft EIR and extensive comments from agencies, interested parties, and the public that cumulatively – and, in many cases, individually – addressed every facet of the project, my predecessor issued a Certificate on the Draft EIR on March 3, 2005 to guide development of the Final EIR. The Draft EIR Certificate is comprehensive in subject matter and geographic reach. It requires the proponent to develop a substantial amount of additional

information to characterize, and assess potential impacts to, the environment of the full project, including all project elements in state and federal waters.

This NPC does not introduce new project elements, but instead proposes, in response to requirements of the Draft EIR Certificate, to redistribute existing elements within the overall project area. I therefore find that the March 3, 2005 scope from the Draft EIR Certificate, amended with the required modifications below, remains appropriate guidance for the project.

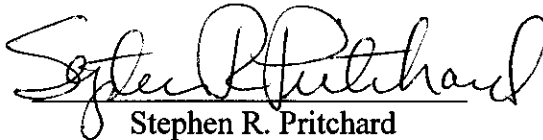
AMENDED SCOPE

The Final EIR should include a full discussion of the proposed changes, and an updated description of the project in light of the proposed changes. The analyses and additional information requested in the Draft EIR continue to be necessary for MEPA review of this project. This required information should now be provided in the context of the revised WTG array being proposed. Where necessary, new baseline data for the project should be provided, including benthic habitat impacts and mapping of the new turbine locations, impacts on fishing activity (commercial and recreational) and navigation. The Final EIR must include precise GPS coordinates and charts laying out the full WTG array, revised visual renderings and archaeological impacts based on the new configuration. The configuration described in the NPC must be the basis for the analysis of impacts and comparisons of alternative footprints and locations requested in the Draft EIR scope. The Final EIR must include a detailed description of the impacts associated with the additional portion of the undersea cable now within Massachusetts' territorial waters.

The Final EIR should also include a response to the substantive comments received on the NPC (in addition to responses to the comments received during the 2005 review of the Draft EIR).

August 8, 2005

Date


Stephen R. Pritchard

ERH/ACC/acc

Comments received:

7/11/05 – Jean Rudnick
7/12/05 – Kenneth H. Molloy
7/12/05 – Michael A. Kaneb
7/13/05 – Anthony P. Gargiulo

7/14/05 – Ted Giletti
7/15/05 – Victor T. Mastone – BUAR
7/26/05 – Cape Cod Commission
7/21/05 – MHC
7/19/05 – Stephanie and Harald Stavnes
7/20/05 – David Bergeron – MA Fishermen's Partnership, Inc.
7/25/05 – Glenn G. Wattley
7/27/05 – James R. Gomes, Environmental League of Massachusetts
7/28/05 – Coastal Zone Management
7/28/05 – Paul J. Diodati, Director, - Division of Marine Fisheries
7/28/05 – Mark Amorello, Chairman – Division of Marine Fisheries
7/28/05 – Jo-Ann Taylor – Martha's Vineyard Commission
7/29/05 – Cindy Lowry, Director – OPTI
7/29/05 – Sharon B. Young – The Humane Society of the U.S.
7/29/05 – Jonatha Yeo, Director – DCR/Division of Water Supply Protection
7/29/05 – Conservation Law Foundation
7/29/05 – Robinson & Cole - Alliance to Protect Nantucket Sound, Inc.
7/27/05 – Thomas W. French, Ph.D., Division of Fisheries & Wildlife
7/28/05 – Dr. Quincy Mosby, DBA , Barnstable Airport Manager

E-mail comments received:

7/8/05 – Kathleen M. Russ
7/13/05 – Stacia J. Harney
7/13/05 – Cathryn F. Brower
7/13/05 – J. Bruce Gabriel
7/13/05 – Richard L. Cooper
7/13/05 – Emil J. Mikols
7/13/05 – J. Papa
7/13/05 – Vic and Margaret Mankiewicz
7/13/05 – Dwight G. Geha
7/13/05 – Amy M. Kates
7/13/05 – Tom Noonan and Kathleen Casey
7/13/05 – Joan and David Hill
7/13/05 – Richard F. Mullin
7/13/05 – Steve O'Keefe
7/13/05 – Mrs. Tangle L. DeLaney
7/13/05 – James J. Boutilier
7/13/05 – Michele G. Stirling – (2 e-mail letters)
7/13/05 – Deborah and Richard Altschuler
7/13/05 – Beth B. Maples
7/13/05 – Gerda Reid
7/13/05 – Andrea Mitchell

7/13/05 – Edward J. Fleming
7/13/05 – Dr. Bruce Reid
7/13/05 – Ted Giletti
7/13/05 – Gerard D. Desautels
7/14/05 – Tony Becker
7/14/05 – Richard Ulian
7/14/05 – Jonathan C. Herndon
7/14/05 – Elizabeth A. Digney
7/14/05 – Natalie Gennett
7/15/05 – Joseph P. Stanley, Jr.
7/15/05 – Anelia and James Adams
7/15/05 – Robert Bloch
7/15/05 – David W. Cash
7/15/05 – Bill Abbott
7/16/05 – Warren Nickerson
7/18/05 – Jeremiah W. O'Connor, Jr.
7/18/05 – Karim Basta
7/18/05 – Lise Olney
7/19/05 – Dr. Christopher M. Ely
7/19/05 – Elizabeth M. Kountze
7/21/05 – Timothy Burke
7/21/05 – David Olsson
7/22/05 – Donna L. Orth
7/22/05 – Sherrie S. Cutler, Ecodesign, Inc.
7/23/05 – Robert M. Donahue
7/28/05 – Arthur Pugsley
7/29/05 – Heidi Ricci – Mass Audubon

“The change described in Cape Wind’s 6/30/05 NPC, etc” – 413 Yellow Post Cards received.

“I am concerned that Cape Wind’s proposal to move 30 of its 130 turbines, etc.” – 496 White Cards received.